CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

OCTOBER 20, 2009

INVOCATION:
Pastor Dave Brogren from Heritage Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Community Development Director Appel, Acting Fire Chief Jones, Utilities Engineer Kahn, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Snodgrass, Director of Recreation and Parks Posada, Police Commander Greene, and Deputy City Clerk Garietz.

ANNOUNCEMENTS
Mayor Lavagnino announced that the meeting would be adjourned in memory of Donna Salazar, wife of retired Police Lieutenant Frank Salazar, and former classmate of his from the Class of 1953, who passed away since the last Council meeting.

VOLUNTEER OF THE MONTH
Councilmember Cordero presented a gift to Santa Maria Police Activity League Poker Run Committee Members Oscar M. Cortez, Sr., Kevin McKinley, Josie McKinley, Larry Guidotti, Deborah Guidotti, Dan Begg, and Larry Bell, as Recreation and Parks Volunteers of the Month for October 2009, for their dedication and hard work in planning a new fundraising event for the Police Activity League. Larry and Deborah Guidotti were not present.

PUBLIC COMMENT
Missy McNeil, President of the Action Club of Santa Maria/Noontime Kiwanis, stated her organization consisted of people with disabilities who work on community service projects. The Action Club was interested in making the community a safe and healthy place to live. She commented on responsible reuse and recycling electronics, and diverting them from the landfill through donations and E-waste programs.

Ernest Armenta talked about the Santa Maria Police Officers Association (POA) and its support of the Mayor and several Councilmembers in the last election. He said that the POA, Firefighters Association, and SEIU Local 620 should get out of politics and from endorsing council candidates.

CONSENT CALENDAR
Councilmember Orach indicated that he would be abstaining from Items 3B and 3E since he had been absent for a couple of meetings.

Mayor Lavagnino indicated that the Consent Calendar would be considered under two separate motions.

Consent Calendar Items A through G, except 3B and 3E, were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Consent Calendar Items 3B and 3E were approved on motion by Councilmember Patino, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Cordero, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: Councilmember Orach

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of October 6, 2009, were approved as submitted.

C. WARRANTS
Warrant Nos. 153957 to 154287 totaling $1,448,628.04 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant No. 151107 was cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ORDINANCE NO. 2009-23
The City Council conducted the second reading by title only of Ordinance No. 2009-23 changing the zoning from OS (Open Space) to PF (Public Facilities) for the Northwest Fire Station to be located at the southeast corner of Preisker Park on a 1.2 acre portion of the park site, 330 Hidden Pines Way, and adopted the Ordinance.

Ordinance No. 2009-23 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING PROPERTY FOR THE SANTA MARIA FIRE STATION #5 PROJECT, GPZ-2009-001, ON A PORTION OF ASSESSOR'S PARCEL NO. 117-030-076, LOCATED IN THE SOUTHEAST CORNER OF PREISKER PARK, 330 HIDDEN PINES WAY.

F. RESTRICTED PARKING
Resolution No. 2009-139 was adopted approving a parking restriction of vehicles over six feet in height on Preisker Lane along the easterly right-of-way and establishing no stopping zones on Preisker Lane.

Resolution No. 2009-134 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A PARKING RESTRICTION OF VEHICLES OVER SIX FEET IN HEIGHT, PURSUANT TO SECTION 22507 OF THE CALIFORNIA VEHICLE CODE AND NO STOPPING ZONES, PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE ON PREISKER LANE.

G. NOTICE OF CONTRACT COMPLETION
Council approved the Notice of Contract Completion for South Blosser Road Waterline Construction, Bid No. 2009/09 and authorized the Deputy City Clerk to record same.

ALCOHOLIC BEVERAGE LICENSE FOR THRIFTY PAYLESS.
Director of Community Development Appel gave the staff report. The City Council was requested to consider declining to make a finding of public convenience or necessity pertaining to the issuance of a Type 21 (Off-Sale General) Alcoholic Beverage License for Thrifty Payless dba Rite Aid located at 345 Town Center West. Rite Aid is a drug store and pharmacy located in the SP - Town Center District (Downtown Specific Plan area) in the Town Center West. The building contains 13,959 square feet of floor area and is located at the northwest corner of Cook Street and Lincoln Street. The Town Center West includes restaurants, a dry cleaner/laundry, general retail and services, a bank, and a church. This property is located in Crime Reporting District 42. The Police Department states that the area ranks in the top 1/3 Reporting Districts with the highest concentration of calls for service out of 99 Reporting Districts, and exceeds the threshold identified in Section 23958. This Reporting District had an abundance of calls for service involving thefts and shoplifters since August 2008, and the location borders a passageway (Lincoln Street) frequently used by students from Santa Maria High School before and after school hours. The store is in proximity to three churches: 1) United Methodist on the same side of the street, 270 feet from the store; 2) St. Peters Episcopal Church diagonally across the street, 125 feet from the store; and 3) Santa Maria Presbyterian Church directly across the street, 90 feet from the store. This property is located in Census Tract 24.03, which is an area of "undue concentration" of off-sale alcoholic beverage licenses. The Alcoholic Beverage Control Board reports that the number of off-sale licenses authorized in that census tract is 6 and that there are 10 existing licenses, and 1 pending license. Therefore, the ratio specified in Section 23958 placed the property in an area of undue concentration of licenses.

Katrina Zamora stated it didn't set right with her that a healthcare products store with a pharmacy would sell liquor. She requested that the Council oppose the license and not approve any more licenses in that area.

Ernest Armenta stated since the boundaries for Census Tract 24.03 is such a large area, Thirfty could be included. He thought that the Thrifty's/Rite Aid store management would be more responsible in insuring that they do not sell to the youth. He commented that since the Council approved a license for the new market, Council should approve this one as well.

Councilmember Zacarías asked if Rite Aid already had a license and whether the license was beer and wine or for liquor.

Director Appel indicated that Rite Aid did not currently have an alcohol license and that the application was for a license to sell beer, wine and spirits.

Patricia Solorio commented that she has previously spoken as a representative of Future Leaders of America (FLA) encouraging the Council to deny the issuance of any more licenses. She indicated that Rite Aid on McCoy has been cited twice, in 2007 and 2008, and that the Isla Vista Rite Aid had their license revoked because they were not responsible. She stated that there was not a Rite Aid between Arroyo Grande and Solvang that had not been cited for selling alcohol to minors. She didn't feel that this Rite Aid would be any more responsible than the others. The proximity to the high school was a concern for her, and with the high rate of shoplifting in the area, she thought selling alcohol at this location would only increase the problem. She requested that the City Council uphold the Police Department's recommendation to deny the application for the ABC license.

Randy Alonzo, IPB Properties, owner of the shopping center, spoke in support of granting the license to sell alcohol. He commented that the downtown area has a trending of vacancies in this economy. A lot of the customer pull was going to newer developments and that they were having a hard time maintaining the viability of the businesses in the downtown area. He felt that the rent rates were affordable but many of his tenants were having a difficult time staying current on their rents. They were doing everything in their means to help cultivate their prosperity and viability. He stated that there were four tenants that they may be losing to other areas of town. The Downtown Redevelopment Specific Plan is trying to encourage development within the

center. He indicated that if the license was denied that there would likely be another 12,000 square foot commercial building that would be vacant. He said that he was not aware that this item was being considered tonight and requested that the Council postpone its decision to allow him time to consult with the Community Development Department and the Police Department to show the other side of the coin on this issue.

Sandra Cain, Thrifty/Rite Aid Store Manager, commented that she has been with Rite Aid stores for nearly 20 years, and a manager of the Town Center location for the past 2 years. She has customers that shop for healthcare products and if her store can provide other services to meet the needs of the customers, they want to do that. She stated that this would increase revenues. Rite Aid employees receive a lot of training involved in the sale of alcohol. She felt the crime statistics were inaccurate, and believes that Police have responded to her store only four times in the last year. She invited people to check her performance. She urged the Council to approve the license indicating that Rite Aid was competitively priced, ethically responsible, and compassionate to the needs of the public.

Councilmember Patino asked for clarification between the two types of licenses, Types 20 and 21.

Director Appel stated that a Type 20 license was for beer and wine, and a Type 21 license was for beer, wine and spirits.

Councilmember Patino stated that she understood that there was undue concentrations of crime and liquor licenses in this area. She stated that she supported the La Perla Market license based on the need for good, viable businesses on the west side of town, and that it was a family business. She thought a better job could be done of cleaning up the businesses that sell alcohol to children. The kids don't usually try to buy beer and wine in the mom and pop stores because they are known in the neighborhood. It seemed that some of the larger store chains weren't as careful about our youth. If they got fined, it was just part of doing business. She would not support the issuance of the alcoholic beverage license.

Councilmember Cordero stated that he also supported the license for La Perla Market. He said that there were distinct differences between the two businesses. The market on South Blosser was more food oriented and catered to people and the preparation of food. The Rite Aid store was primarily a drug store, and sold some food items but they were not their chief item of sale. Rite Aid also had an ice cream parlor where young people go and tended to congregate. He indicated that for those differences in the businesses, he would not support the issuance of the alcoholic beverage license for Rite Aid.

Mayor Lavagnino stated that La Perla Market's license was a Type 20 license.

Councilmember Cordero indicated that the Type 20 license issued to La Perla was another difference between the two stores, and a very small portion of their store would shelve only beer and wine.

Councilmember Zacarias stated that there was a second application for a Type 21 license that was denied that same evening.

Councilmember Cordero moved to not make a finding of public convenience and necessity for Thrifty Payless dba Rite Aid. Councilmember Patino seconded the motion, and it carried on the following vote:

AYES:	Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

2009 RECOVERY EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
Police Commander Greene gave the staff report. The City Council was asked to authorize the appropriation of $249,940 to be allocated to the Santa Maria Police Department for the Police Officer Retention Program via an interlocal agreement with the cities of Santa Barbara, Lompoc, Goleta, Carpinteria, and the County of Santa Barbara under the 2009 Recovery Edward J. Byrne Memorial Justice Assistance (JAG) program. The American Recovery and Reinvestment Act of 2009 signed into law February 17, 2009, authorized the Recovery Byrne Memorial Justice Assistance Grant (JAG) Program. Projects funded under the Recovery Act should be designed to further one or more of the Recovery Act purposes including preserving and creating jobs and promoting economic recovery. No matching funds were required by this program. State funding under the Citizen's Options for Public Safety (COPS)/Juvenile Justice Crime Prevention Act Program was reduced by $145,000. The funds were used to pay for two full time police officer positions and the reduction would result in a loss of one full time position. The availability of the Recovery JAG funds would enable the City to retain the one police officer position until JAG funds were exhausted which was estimated to be a two-year period. Based upon the City's population, it is an agency that receives the highest allocation within Santa Barbara County. Under the JAG legislation, a city that receives one and one-half times more funding than the county is in a funding disparity and the local entity is no longer eligible for a direct award. All disparate jurisdictions were required to reach an agreement on the distribution of funds and apply with a joint application with their county. It was the Police Department's request to utilize the 2009 JAG allocation for the Police Officer Retention Program and to supplement the funding lost due to the reduction of State COPS funding to retain one "E" step police officer position until funds were exhausted.

Mayor Lavagnino commented that including the money received for the levee, Santa Maria has come into approximately $55 million of the Recovery Act funding.

Ernest Armenta asked if there were matching funds required for the grant, and if other funds would be required to pay benefits for the officer.

Commander Greene confirmed that no matching funds were required of the grant.

City Manager Ness stated that the grant award was $249,940 which would pay all of the costs associated with the full time police officer, including salaries and benefits until the funds run out.

Resolution No. 2009-140 was adopted authorizing the appropriation of $249,940 to the Police Department on motion by Councilmember Patino, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-140 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING UNDER THE 2009 RECOVERY EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG) PROGRAM.

DEPARTMENT OF HOMELAND SECURITY GRANTS
Police Commander Greene gave the staff report. The City Council was asked to authorize the appropriation of $24,000 to be allocated to the Santa Maria Police Department as a sub-recipient of funding provided by the Department of Homeland Security via the Santa Barbara County Offices of Emergency Services. The Department of Homeland Security is committed to helping first responders nationwide by ensuring that emergency response professionals are prepared, equipped and trained for any situation, and by bringing together information and resources to prepare for and respond to a terrorist attack, natural disaster or other large-scale emergency. Funding for specialized law enforcement training via the Department of Homeland Security is

facilitated through the Santa Barbara County Office of Emergency Services. This is an ongoing annual allocation and would present ongoing training opportunities for the Police Department. The Police Department had requested and received approval for funding via the Department of Homeland Security to provide specialized night vision and tactical explosive breaching training for designated police officers. Funds totaling $24,000 would be used by March 2010 to fund all expenses incurred for providing this training.

Councilmember Zacarías asked for clarification in the Agenda Report on a statement that there were no trained explosive breaches on the Central Coast and that the nearest assets would be sent to the Los Angeles or Fresno area.

Commander Greene indicated that the Police Department did not currently have staff trained to use explosive breaches to access a secured door sometimes needed for narcotics related matters. The grant was designed to address issues that dealt with matters of homeland security due to domestic terrorism and natural disaster situations. Los Angeles and Fresno were the nearest locations that had the capabilities to do explosive breaching.

Ernest Armenta stated that he was concerned with the danger to families and children with having explosive devices to gain entrance into a residence.

Councilmember Cordero stated that the system had very small charges and the explosive was designed to do very little damage. It was designed to destroy the integrity of the structure, not to destroy the structure. He did not feel the system would be used on every search warrant, and in fact may never be used.

Resolution No. 2009-141 was adopted authorizing the appropriation of $24,000 to the Police Department for specialized law enforcement training on motion by Councilmember Orach, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-141 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING FOR POLICE TRAINING UNDER THE DEPARTMENT OF HOMELAND SECURITY GRANTS.

CITY MANAGER'S REPORT

City Manager Ness reported on items anticipated for the November 3, 2009, City Council meeting including a resolution honoring Lynda Snodgrass for her retirement, an appointment to the Block Grants Advisory Committee, the First Quarter Financial Report, amendments and extensions to the Memoranda of Understanding with all bargaining groups, and the first reading of an Ordinance relating to electric fences within the City.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Orach reported he had been on vacation in Maine for the last couple of weeks, and that he attended a Chamber of Commerce Business to Business Mixer co-hosted by the Noontime Rotary Club. He also attended the Santa Maria Levee Kick Off on October 19 and today attended the Santa Maria Valley Chamber Economic Business Committee where Rick Haydon was a speaker providing an overview of the City, the State, and the economy in general.

Councilmember Zacarías reported that she attended a presentation on youth violence and suicide prevention at Glendon Associates on October 7th; was a speaker at Center for Employment Training (CET); attended the Peace Day Breakfast; attended the Black and White Ball; and welcomed the First 5 Commission of Santa Barbara County to the City's Chambers on October 19th.

Mayor Lavagnino reported that he appeared on KSMA radio with Colonel Buck on October 9th; attended the Domestic Violence Vigil at Shepard Hall on October 13th; attended the SBCAG and Air Pollution Control District meetings in Santa Barbara on October 15th; appeared on KSMA radio with Bill Libbon and attended Frank Ortiz' retirement dinner at the Youth Center on October 16th; attended a barbeque with the County and Army Corp representatives on October 18th; participated in the Santa Maria Levee Kick Off on October 19th; and appeared on KSMA radio with Ben Heighes.

Councilmember Patino reported that she gave the introductory remarks at a presentation of HARM from San Diego on October 8th; appeared on a radio show for "Free for the Weekend" for Peace Week; attended the Community Breakfast on October 12th; attended the "Inner Reflective Day" service at First United Methodist; attended the "Peace Through the Eyes of Our Children Day" event at Arellanes School on October 14th; attended "Peace in the Heart Day" event at Marian Medical Center, appeared on a radio show promoting "Free for the Weekend," and attended Frank Ortiz' retirement party on October 16th; attended Peace Week activities at the Boys and Girls Club and "Free for the Weekend" event on October 17th; attended the barbeque at Jim May Park with the Army Corp of Engineers on October 18th; and the ground breaking ceremony at the Levee on October 19th.

Councilmember Cordero reported that he attended a local elected officials meeting on the rooftop of the Canary Hotel in Santa Barbara on October 7th; attended the HARM Coalition (Health Advocates Rejecting Marijuana) meeting on October 8th; appeared on KSMA with Ben Heighes on October 9th; attended the Community Breakfast, appeared on KSMA, and appeared on Sunny Country radio station on October 12th; appeared on a radio and a television show for Channel 3 regarding Peace Week on October 13th; on October 14th attended preparation meeting at the Boys and Girls Club for Fiesta; attended a tree planting presentation at Arellanes School on October 15th; attended Chief Ortiz' retirement party on October 16th; on October 17th attended the Black and White Ball for the Boys and Girls Club; on October 18th attended the welcoming barbeque for the Army Corp; attended a meeting in Solvang relating to the 10-year Homelessness Plan and attended the ground break ceremony at the Levee on October 19th; and today attended the FBI's recognition barbeque at the Gun Club and a Board meeting at the Good Samaritan Shelter.

CLOSED SESSION

The City Council recessed to a Closed Session at 7:35 p.m. to discuss Conference with Legal Counsel - regarding Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9 for Santa Maria Police Officers Association v. City of Santa Maria, Case No. 1316392, and Gregory Carroll v. City of Santa Maria, et al., United States District Court, Central District of California, Case No. CV 09 07336; and Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code - Agency Representative: Assistant City Manager - Employee Organizations: Santa Maria Police Officers Association (SMPOA); Service Employees International Union (SEIU), Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees.

Following the Closed Session, the following report was given:

Conference with Legal Counsel – Santa Maria Police Officers Association v. City of Santa Maria – Status report was given.

Conference with Legal Counsel – Gregory Carroll v. City of Santa Maria, et al.– Status report was given.

Conference with Labor Negotiators – SMPOA, SEIU, Fire Fighters Local 2020, Public Safety Managers, and Non-represented Management and Confidential Employees Group – Status report was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 9:17 p.m. in honor of Deborah Sanchez, wife of retired Police Lieutenant, Frank Salazar, and founding member of the Boys and Girls Club Black and White Ball.

APPROVED

November 3, 2009
Date

Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria

ATTEST

Deputy City Clerk